

## Determining Who Pays Court Interpreter and Translators \*

### A. ORAL LANGUAGE INTERPRETERS and TRANSLATORS of COURT-RELATED MATERIALS\*\*

- 1. CIVIL** cases (law, equity, domestic, probate, small claims) – If the interpreter provided services for:
  - A. An indigent party or witness for that party: **State Court Administration (SCA)** pays [§622.A(3)].
  - B. A non-indigent party or witness for that party: **SCA** pays; same rationale as in 2.C (below).
- 2. CRIMINAL** (all types, incl. simp misdems.) and **post-conviction relief** – If interpreter provided services for:
  - A. An indigent defendant or a witness for an indigent defendant: (1) **State Public Defender (SPD)** pays the interpreter if defendant was represented by a court-appointed private attorney (not a public defender) – OR – if the defendant was not represented by an attorney; (2) the **Local Public Defender (LPD)** pays the interpreter if defendant was represented by a public defender [§815.11].
  - B. A defendant who has obtained a privately-retained attorney, but cannot afford an interpreter at this time: **SPD** pays [IA Admin Code §493-13.2(2)(c)(2)(2)].
  - C. A non-indigent defendant, a witness for that def., or a participant in a victim-offender reconciliation session (if a case has been filed): **SCA**<sup>3</sup> pays. The defendant is responsible for paying the interpreter, but the SCA will pay the interp. to avoid delays, ensure due process, and ensure timely payment of the interp.
  - D. A county attorney's witness: **SCA** pays [§602.1302(3)].
- 3. JUVENILE: Child/Family in Need of Assistance (CINA/FINA), Termination of Parent Rights (TPR), or Mental Health Commitment** cases – If the interpreter provided services for:
  - A. A child or witness for a child: **SPD** pays (if a court-appointed private attorney represented the child) – OR – the **LPD** (if a public defender represented the child), regardless of the economic status of the child's parents [§232.89(1) or 232.113(1)].
  - B. An indigent parent/guardian/custodian (PGC) -- and -- the PGC is entitled to court-appointed counsel under §232.89 or §232.113: the **SPD** pays the interpreter for the PGC, even if the attorney for the child is a local public defender (LPD).
  - C. A non-indigent parent/guardian/custodian (PGC) or witness for a non-indigent PGC: **SCA** pays; see 1.C.
  - D. A county attorney's witness: **SCA** pays [§602.1302(3)].
- 4. JUVENILE: Delinquency** cases – If the interpreter provided services for:
  - A. The child or witness for the child: **SPD** pays (if the child is represented by a court-appointed private attorney) – OR – the **LPD** pays (if child is represented by a public defender) [§232.11(3)(b)].
  - B. A parent/guardian/custodian: **SCA** pays.
  - C. A county attorney's witness: **SCA** pays [§602.1302(3)].
- 5. ADULT MENTAL HEALTH COMMITMENT** cases: **County** Auditor pays [the county that is the legal settlement (residence) of the person who is the subject of the MH proceeding [§230.1(a) and 230(9)]].

### B. INTERPRETERS FOR DEAF AND HARD-OF-HEARING PERSONS

**All cases** with a **deaf or hearing-impaired** participant in a legal proceeding: The **County** Auditor's Office in the county where the hearing is held pays the interp. (or certified real-time reporter) [§622B.7].

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\*All citations in this chart (e.g., §....) are to the Iowa Code, unless indicated otherwise.

\*\*Fees for oral language court interps. and translators of court-related materials may be taxed as court costs or indigent defense legal expenses at the end of the case (see IA Code 232.141, 622A.3, and 815.9).

**Note:** Interpreters who provide services for **other government agencies**, including for administrative law proceedings, during law enforcement investigations, for social service agencies (e.g., for meetings with a social work/counselor) or probation office (e.g., for meetings with a probation officer) will be paid by the agency for which they provide services.